

UNITED STATES DISTRICT COURT

for the
District of Arizona

United States of America)

v.)

Reyes Tapia-Garzelazo,
a.k.a.: Reyes Tapia Garzelazo,
a.k.a.: Reyes Tapia-Garcilazo,
a.k.a.: Reyes Garcilaz Tapia,
(A200 087 101)

Case No. 17-9383mJ

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of August 5, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Reyes Tapia-Garzelazo, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about November 30, 2011, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1). I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated by Reference Herein

REVIEWED BY: Charles E. Bailey, P.S. for AUSA Brooke T. Afshari

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: September 14, 2017

City and state: Phoenix, Arizona

Complainant's signature

Richard G. Prunty,
Deportation Officer

Printed name and title

Judge's signature

Eileen S. Willett,
United States Magistrate Judge

Printed name and title

STATEMENT OF PROBABLE CAUSE


I, Richard G. Prunty, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On August 5, 2017, Reyes Tapia-Garzelazo was booked into the Maricopa County Jail (MCJ) intake facility by the Phoenix Police Department, on local charges. While incarcerated at the MCJ, Tapia-Garzelazo was examined by ICE Officer M. Suchorabski, who determined him to be a Mexican citizen, illegally present in the United States. On the same date, an immigration detainer was lodged with the MCJ. On September 14, 2017, Tapia-Garzelazo was released from the MCJ and transported to the Phoenix ICE office for further investigation and processing. Tapia-Garzelazo was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Reyes Tapia-Garzelazo to be a citizen of Mexico and a previously deported criminal alien. Tapia-Garzelazo was removed from the United States to Mexico through Nogales, Arizona, on or about November 30, 2011, pursuant to an order of removal issued by an immigration judge. There is no record of Tapia-Garzelazo in any Department of Homeland Security database to suggest that he

obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Tapia-Garzelazo's immigration history was matched to him by electronic fingerprint comparison.

4. Criminal history checks revealed that Reyes Tapia-Garzelazo was convicted of Criminal Impersonation, and Solicitation to Possess a Dangerous Drug, both felony offenses, on September 19, 2011, in the Superior Court of Arizona, Maricopa County. Tapia-Garzelazo was sentenced to two (2) years' probation. Tapia-Garzelazo's criminal history was matched to him by electronic fingerprint comparison.
5. On September 14, 2017, Reyes Tapia-Garzelazo was advised of his constitutional rights. Tapia-Garzelazo freely and willingly acknowledged his rights and agreed to provide a statement under oath. Tapia-Garzelazo stated that his true and complete name is Reyes Tapia-Garzelazo, and that he is a citizen of Mexico. When asked when he last entered the United States, Tapia-Garzelazo stated "I do not remember," through Nogales, Arizona. Tapia-Garzelazo further stated that he had been removed from the United States to Mexico and did not receive permission from the Secretary of the Department of Homeland Security to re-enter the United States after his removal.
6. For these reasons, this affiant submits that there is probable cause to believe that on or about August 5, 2017, Reyes Tapia-Garzelazo, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about November 30, 2011, and not having obtained

the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1).



Richard G. Prunty,
Deportation Officer,
Immigration and Customs Enforcement

Sworn to and subscribed before me
this 14th day of September, 2017.



Eileen S. Willett,
United States Magistrate Judge